



## Senate

General Assembly

January Session, 2019

**File No. 305**

Senate Bill No. 26

*Senate, April 2, 2019*

The Committee on Higher Education and Employment Advancement reported through SEN. HASKELL of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT MAKING PERMANENT THE MORATORIUM ON THE APPROVAL OF PROGRAMS AT INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Subsection (l) of section 10a-34 of the general statutes is  
2       repealed and the following is substituted in lieu thereof (*Effective July*  
3       *1, 2019*):

4       (l) Notwithstanding the provisions of subsections (b) to (j),  
5       inclusive, of this section and subject to the authority of the State Board  
6       of Education to regulate teacher education programs, up to twelve new  
7       programs of higher learning in any academic year and any program  
8       modifications proposed by an independent institution of higher  
9       education, as defined in section 10a-173, shall not be subject to  
10      approval by the Office of Higher Education, [until July 1, 2020,]  
11      provided (1) the institution maintains eligibility to participate in  
12      financial aid programs governed by Title IV, Part B of the Higher

13 Education Act of 1965, as amended from time to time, (2) the United  
14 States Department of Education has not determined that the institution  
15 has a financial responsibility score that is less than 1.5 for the most  
16 recent fiscal year for which the data necessary for determining the  
17 score is available, and (3) the institution has been located in the state  
18 and accredited as a degree-granting institution in good standing for  
19 ten years or more by a regional accrediting association recognized by  
20 the Secretary of the United States Department of Education and  
21 maintains such accreditation status. Each institution that is exempt  
22 from program approval by the Office of Higher Education under this  
23 subsection shall file with the office (A) an application for approval of  
24 any new program of higher learning in excess of twelve new programs  
25 in any academic year, (B) a program actions form, as created by the  
26 office, prior to students enrolling in any new program of higher  
27 learning or any existing program subject to a program modification,  
28 and (C) not later than July first, and annually thereafter, (i) a list and  
29 brief description of any new programs of higher learning introduced  
30 by the institution in the preceding academic year and any existing  
31 programs of higher learning discontinued by the institution in the  
32 preceding academic year, (ii) the institution's current program  
33 approval process and all actions of the governing board concerning  
34 approval of any new program of higher learning, and (iii) the  
35 institution's financial responsibility composite score, as determined by  
36 the United States Department of Education, for the most recent fiscal  
37 year for which the data necessary for determining the score is  
38 available.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2019	10a-34(l)
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**HED**      *Joint Favorable*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill, which makes permanent an exemption from the Office of Higher Education's approval process for up to 12 new programs and program modifications for certain independent institutions of higher education, does not result in a fiscal impact as the change is procedural.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 26*****AN ACT MAKING PERMANENT THE MORATORIUM ON THE APPROVAL OF PROGRAMS AT INDEPENDENT INSTITUTIONS OF HIGHER EDUCATION.*****SUMMARY**

Current law exempts, until July 1, 2020, certain independent higher education institutions from requirements related to the Office of Higher Education's (OHE's) approval process for new programs and program modifications. The bill makes this exemption permanent.

By law, the exemption applies to such institutions if they:

1. are eligible to participate in the Federal Family Education Loan program;
2. have a financial responsibility score of at least 1.5, as determined by the U.S. Department of Education, for the most recent fiscal year for which data is available; and
3. have been located in Connecticut and accredited as degree-granting institutions in good standing for at least 10 years by a federally recognized regional accrediting association (see BACKGROUND).

The permanent exemption applies for up to 12 new programs and program modifications, but additional programs are subject to OHE approval.

Existing law requires exempt institutions to file with OHE a program action form created by the office prior to students enrolling in (1) any new program or (2) any program being modified. They must also annually file a description of their current program approval

process and any new programs, including all actions their respective governing boards took concerning new program approvals.

EFFECTIVE DATE: July 1, 2019

## **BACKGROUND**

### ***Financial Responsibility Score***

According to the U.S. Department of Education, the composite score reflects the overall relative financial health of institutions along a scale from -1 to 3. A score of 1.5 or more indicates that the institution is considered financially responsible.

### ***Independent Institution of Higher Education***

By law, an “independent institution of higher education” is a nonprofit higher education institution established in Connecticut that (1) has degree granting authority, (2) has its main campus in-state, (3) is not included in the Connecticut public higher education system, and (4) is not primarily training students for a religious vocation (CGS § 10a-173).

### ***Currently Exempt Institutions***

In practice, Connecticut College, Trinity College, Wesleyan University, and Yale University are already exempt from OHE's program approval authority. These institutions, classified by OHE as national independents, are longstanding institutions that predate the state's regulation of postsecondary academic programs. Additionally, the institutions' charters give the schools the authority to decide which degrees to confer and do not require state approval for additional degrees.

### ***Related Bill***

sHB 7088, reported favorably by the Higher Education and Employment Advancement Committee, makes the currently temporary exemption from OHE approval permanent for independent institutions' program modifications. For new degree programs, however, it replaces their temporary exemption from OHE approval

for up to 12 new programs with a permanent exemption from OHE licensure for an unlimited number of new programs. It also creates new filing requirements for institutions seeking either type of permanent exemption.

**COMMITTEE ACTION**

Higher Education and Employment Advancement Committee

Joint Favorable

Yea 21 Nay 0 (03/14/2019)